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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PR Docket 93-38

COMMENTS OF TELOCATOR, THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

applications."² Clearly beneficial, non-business uses of paging include pager use by parents (particularly, single parents) to keep in contact with their children, by expectant spouses to keep in touch with one another, by patients awaiting vital organ transplants to keep in communication with their doctors or medical center, and by the elderly or infirm, enabling them to enjoy a level of independence while maintaining a lifeline connection to their families or caretakers. In its comments, Telocator described its ongoing national public relations effort on behalf of the paging industry, which focuses on the benefits of paging service in an individual's conduct of his or her daily life³. While it is difficult to quantify how many of the paging units in service are being used for business versus personal purposes, one industry study estimates that 22.4% of 15.2 million pagers in service are being used by households/consumers for personal use⁴. As Telocator

While, traditionally, such provision of service to the public-at-large would be considered a common carrier activity, Commission actions over the last half decade have significantly relaxed the private land mobile user eligibility rules⁶. These actions, while greatly expanding the allowed market for services offered by PCPs, have stopped short of allowing PCP service to individuals. NABER's petition argued, and Telocator concurs, that this remaining restriction constitutes an arbitrary regulatory burden imposed upon one segment of the paging market which, in the current market environment, serves no meaningful purpose. No comments filed in response to NABER's petition challenged or opposed this conclusion.

To the consumer, a pager is a pager, whether provided by a carrier regulated under Part 22 or Part 90 of the Commission's rules. It is a fundamental position of Telocator's industry and government relations efforts that functionally equivalent services competing in the market place should be subject to the same regulatory conditions. Disparate regulatory treatment of like services serve no public policy purpose and create competitive imbalances.

The rule changes in the present Notice remove a significant and unwarranted regulatory disparity between private and common

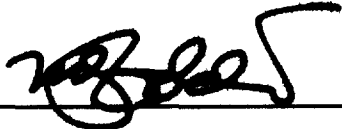
⁶ See: Notice at paragraphs 5-6.

carrier paging services.⁷ Accordingly, Telocator supports the proposed rule changes and urges their prompt adoption.

Respectfully submitted,

Telocator, the Personal
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Association

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⁷ At the same time, Telocator reiterates that there are other, remaining regulatory disparities between private and common carrier paging providers. As the Notice itself points out, "because PCP operators are not subject to common carrier regulation, they may be able to offer specialized service tailored to the user's particular needs." (Notice at paragraph 9) Other, even more serious disparities remain, including differing obligations to file Federal tariffs, and unequal interconnection rights. Such inequities in the treatment of providers of like services are equally arbitrary and injurious to the Commission's recognized goal of encouraging the provision of as many communications service options to potential users as possible.

Telocator recognizes (as noted in its comments on RM-8017 at footnote 3) the Commission's assertion that these issues are beyond the scope of the current proceeding. Even if such is the case, these issues are nonetheless deserving of prompt and careful consideration by the Commission in further rulemakings.